

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Town of Froid
PO Box 308
Froid, MT 59226
2. *Type of action:* Application to Change Water Rights:
Statement of Claim 40R 22428 00
Provisional Permit 40R 11869 00
3. *Water source name:* Groundwater
4. *Location affected by project:* SWSENE, Section 23, T30N, R55E, Roosevelt County.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The applicant is proposing an additional place of use for the Town of Froid's municipal water distribution system. The Applicant will be constructing a water depot adjacent to the well field and marketing untreated water to the oil field industry. The applicant proposes to use the entire combined flow and volume of their water rights. This limits the flow and volume to 330 gpm up to 86.2 acre feet.

The DNRC shall issue a Change Authorization if the applicant proves the criteria in section 85-2-311, MCA are met.

6. *Agencies consulted during preparation of the Environmental Assessment:*
(Include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Montana Department of Fish, Wildlife & Parks – Montana Fisheries Information System
National Wetlands Inventory – NRIS Website
Montana Department of Environmental Quality – Water Quality Information Page
Montana Bureau of Mines and Geology – Groundwater Information Center
Natural Resources and Information System – Montana Soils Data

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: This is a change application for a groundwater source. There will not be an impact to surface waters due to an additional place of use for this project. The applicant will not be increase the flow or volume of their combined water rights.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: This application is for a change of a groundwater project and will not affect area surface water quality.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: This application is for an additional place of use for existing wells. There will be no additional flow or volume diverted from the groundwater source, therefore there should be no impacts to groundwater quality and supply sources.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: The applicant proposes to place a water depot facility adjacent to the existing well field. The Depot will consist of a building that contains a filter and possible chlorination system. The Depot will also have a landing area next to the Depot for the water trucks to pull up to and take water on board. The construction of the depot will not have any impacts to channels, riparian areas, dams and well constructions or cause any flow modification or barriers to any existing waterways. The facility has been engineered by a licensed engineering firm.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: A research conducted on the Montana Natural Heritage Program website indicated Crane has been verified in the county of Roosevelt. The whooping Crane is listed as Endangered or as having Special Status by the US Fish & Wildlife Service, the US Foresty Service and the Bureau of Land Management. The Bureau of Land Management has 10 other bird species and five fish species listed as sensitive. The website did not identify any plant species as endangered or sensitive. For a complete listing of the listed sensitive species see the applicant file. The applicant will not increase the historic flow or volume of their combined water rights; the continued use of these wells will not impact adjacent surface flows. This project is located next to a busy paved roadway and it is unlikely that it will have an impact on the migration and movement of endangered, threatened or sensitive species.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: According to the National Wetland Inventory, other than the Big Muddy Creek and a small fresh water pond, there are no wetlands in the area to be affected. The well field and proposed water depot are not located adjacent to either wetland areas and will have no impact on them. All traffic to and from the depot facility will use existing road ways and bridges.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: This application does not include a pond; there will be no impacts to existing wildlife, waterfowl or fisheries resources.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: This project will not result in the degradation of soil quality, stability or moisture content. The operation of a water depot at this location will not have cause a saline seep problem.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: There will be minor ground disturbance during the construction of the depot facility. The existing vegetative cover will be removed and replaced with the depot and landing facilities. The project is located on private property and it is the landowner's responsibility to control noxious weeds on their property.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: There may be temporary air quality issues during the construction of the depot facility. This will be a result of the disturbance of the soil and will end when the construction is complete.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: Not applicable; this project is not located on State Trust or Federal lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: No additional impacts on other environmental resources have been identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: There are no known environmental plans or goals in this area.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: This project is located on private property and will not impact access to or the quality of recreational and wilderness activities.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: This project will have no impact on human health.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: There are no additional government regulatory impacts on private property rights associated with this application.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

(a) Cultural uniqueness and diversity? No significant impact.

(b) Local and state tax base and tax revenues? No significant impact.

- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact.
- (e) Distribution and density of population and housing? No significant impact.
- (f) Demands for government services? No significant impact.
- (g) Industrial and commercial activity? No significant impact.
- (h) Utilities? No significant impact.
- (i) Transportation? No significant impact.
- (j) Safety? No significant impact.
- (k) Other appropriate social and economic circumstances? No significant impact.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: No secondary impacts are anticipated with this project.

Cumulative Impacts: No cumulative impacts are anticipated with this project.

3. *Describe any mitigation/stipulation measures:* There are no mitigation plans. This application is for an additional place of use. The proposed change will not result in additional flow or volume being used.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*

No Action Alternative: Under a no action alternative, the Town of Froid would not construct a water depot and market water to the oil field industry. The Town would not be able to economically benefit from the sale of water. The Town of Froid is required to maintain their current water distribution system as a back up to the Dry Prairie Water System.

Alternative 1: No suggested alternative

PART III. Conclusion

1. Preferred Alternative: The preferred alternative is that the Town of Froid be able to construct a depot facility and benefit from the marketing of water.

2 Comments and Responses:

4. Finding:

Based on the significance criteria evaluated in this EA, is an EIS required? No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant impacts have been identified, therefore an EIS is not necessary.

Name of person(s) responsible for preparation of EA:

Name: Ann L. Kulczyk

Title: Water Resource Specialist

Date: April 5, 2012